



D.C. DEPARTMENT OF CORRECTIONS:

Central Detention Facility Inspection Report FY 2016



**District of Columbia
Corrections Information Council**

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District of Columbia Corrections Information Council

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About the District of Columbia Corrections Information Council

The District of Columbia Corrections Information Council (CIC) is an independent oversight body mandated by the United States Congress and the Council of the District of Columbia to inspect, monitor, and report on the conditions of confinement in correctional facilities where inmates from the District of Columbia are incarcerated. This includes facilities operated by the Federal Bureau of Prisons (FBOP), the District of Columbia Department of Corrections (DOC), and private contractors.

The CIC reports its observations and recommendations to the District of Columbia Representative in the United States Congress, the Mayor of the District of Columbia, the Council of the District of Columbia, the District of Columbia Deputy Mayor for Public Safety and Justice, the Director of the FBOP, the Director of the DOC, and the community.

Although the CIC does not handle individual complaints or provide legal representation or advice, individuals are still encouraged to contact the CIC. Reports, concerns, and general information from D.C. inmates and the public are very important to the CIC, and they greatly inform our inspection schedule, recommendations, and reports. However, unless expressly permitted by the individuals or required by law, names and identifying information of inmates, corrections staff not in leadership, and members of the general public will be kept anonymous and confidential.

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Executive Summary

D.C. Department of Corrections: Central Detention Facility (CDF/D.C. JAIL)

Date of Inspection: September 30, 2016

Location: Washington, D.C.

CENTRAL DETENTION FACILITY PROFILE

from D.C. Department of Corrections Facts and Figures, June 2016

CDF Security Level: Multi-Level

Male Inmates: 94% of DOC Inmates
100% of CDF Inmates

CDF Capacity: 2,164¹

CDF Average Daily Population, 2016:
1,254

Race of CDF Inmates: 91% Black
5% Hispanic
3% White
1% Other

CDF Population, 9/30/17:
1,274²

Median Age of Male Inmates: 32.5 y/o

Average Length of Stay for Male Inmates: 161 days or
13.4 months

CDF Inmate-to-Staff Ratio: 2.1 : 1³

Observations Summary

- The CDF has two educational, residential units. One is the GED Unit and the other is the Work Readiness Unit. Inmates who are housed on these units participate in daily programming that includes preparation for taking the GED and job skills/training, respectively.
- Following recommendations made by the Suicide Prevention Task Force, the CDF created the Mental Health Step-Down Unit (MHSDU). This Unit was designed as a transitional housing unit for inmates. Prior to the MHSDU, inmates who experienced a mental health crisis and were temporarily housed on the Acute Mental Health Unit were returned directly to the general population. The MHSDU was designed to prepare inmates for the move back to general population by gradually increasing their amount of freedom and interactions with other inmates, while continuing with mental health treatments.
- Inmates are able to communicate issues and concerns with staff through the Administrative Remedy Procedure (Grievances). Between October 1, 2015 and September 30, 2016 the DOC formally logged 370 informal and formal complaints. There was a remedy granted in 4.6% of cases.
- In fiscal year 2016, the DOC documented 1,726 disciplinary infractions. Of those infractions, 1,610 resulted in a guilty outcome.
- In July 2016, the death of an elderly inmate in CDF, although attributed to natural causes, sparked increased concern about high temperatures at the CDF among the DC community. Following the death, all of the inmates on the relevant unit were transferred to a cooler unit. Throughout the 2016 summer, the DOC took long term steps to repair

¹ See D.C. DEP'T OF CORRECTIONS, *Correctional Facilities*, <https://doc.dc.gov/page/correctional-facilities>.

² Data from CIC inspection of CDF on September 30, 2016.

² Data from CIC inspection of CDF on September 30, 2016.

³ This information was contained in a summary of program statistics that the DOC sent to the CIC, per the CIC document request, and includes only staff designated for custody purposes.

the HVAC system. The DOC also took immediate actions in housing units to attempt to make living conditions of inmates less hot.

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I. Introduction

The Central Detention Facility (CDF), commonly referred to as the D.C. Jail, is a correctional facility located in Southeast Washington, D.C. that is operated by the D.C. Department of Corrections (DOC). The jail houses male inmates, a majority of whom are held pending adjudication of a criminal case or are sentenced to a period of incarceration following conviction for a misdemeanor offense.⁴ Other CDF inmates include those held on United States Parole Commission (USPC) warrants, those awaiting transfer to the Federal Bureau of Prisons (BOP), and those held due to a writ or hold typically awaiting transfer to another jurisdiction.

The facility has a population capacity of 2,164 inmates.⁵ The D.C. Corrections Information Council (CIC) visited the CDF on September 30, 2016 and inspected areas of the facility. At the time of the CIC 2016 inspection, the CDF's inmate population was 1,274. There were a total of 606 corrections officers at the CDF designated for custody purposes.⁶ The staff to inmate ratio for the CDF was one corrections officer for every two (2.1) inmates.⁷ As of September 30, 2016, there were thirty-eight vacant DOC positions.⁸

The areas/programs of the jail inspected by the CIC on September 30, 2016 included:

- General Population Housing Unit
- GED Unit and Mobile Testing Unit
- Work Readiness Program
- Acute Mental Health Unit
- Mental Health Step Down Unit

For reference, a brief layout of the housing units in the jail is the following. The jail consists of five floors: the basement, ground floor, first floor, second floor, and third floor. The housing units are on the first, second, and third floors. Each floor has a North and South wing. The housing units are named according to their wing (N/NE/NW/S/SE/SW) and their floor (1/ 2/ 3). The highest security inmates are housed on the first floor, and the lowest security inmates on the third. Most programming that the jail offers takes place on the housing units. Some units that were traditionally for housing have been designated for programming, operations, and overflow.

In addition to the jail, the CIC inspected the Juvenile Unit in the Correctional Treatment Facility (CTF), which is located adjacent to the CDF.⁹ The CTF complex houses female and juvenile D.C. inmates, as well as male inmates who have specialized confinement needs.¹⁰ Although the Juvenile Unit is in the CTF, the unit was and is operated and staffed by the DOC. The juvenile unit houses

⁴ See D.C. DEP'T OF CORR., *Correctional Facilities*, *supra*, note 1.

⁵ See *id.*

⁶ This information was contained in a summary of program statistics that the DOC sent to the CIC, per the CIC document request.

⁷ *Id.* (includes only staff designated for custody purposes).

⁸ *Id.*

⁹ At the time of the CIC inspection the CTF was operated by the Corrections Cooperation of America (CCA) (now Core Civic). However, between the time of the inspection and the publication of this report, management of the CTF left CCA (1/31/17) and is now under the DOC.

¹⁰ See D.C. DEP'T OF CORR., *Correctional Facilities*, *supra*, note 1.

D.C. residents ages fifteen to seventeen, who have been adjudicated as adults. At the time of the CIC 2016 visit, the total population in the juvenile unit was twenty-three inmates.

The information in this report comes from multiple sources. Prior to and following the CIC visit to the CDF, in August 2016 and January 2017 the CIC requested a number of documents from the DOC. See Appendix A for a complete list of documents that the CIC requested. On April 6, 2017 the DOC sent the CIC some of the requested information. The CIC received information in the following areas: formal and informal grievance logs from 2016; the inmate handbook; an anonymous inmate roster; and a five-page summary report including information regarding the staff, discipline, the inmate grievance procedure, programs, restrictive housing, and deaths. See Appendix A for a side-by-side comparison of the CIC document request and the information sent by the DOC.

The CIC also requested a Memorandum of Understanding (MOU) with the DOC in order to facilitate regular inspections, data collection, and unannounced visits. The DOC has yet to agree to such an agreement. See Appendix A for a full explanation of the proposed MOU.

The majority of information featured in this report comes from the CIC September 30, 2016 visit to the CDF. During the visit, information was gathered from CIC staff observations, conversations with DOC staff, and conversations with CDF inmates. The report is supplemented with information from DOC policy statements available on <https://doc.dc.gov/page/policies>. For a full explanation of the methods of this report, see Appendix A.

CHART 1. CDF Inmate Population and Participation in Special Programs

Unit or Program	Total Capacity	Number of Inmates - 9/30/16	Percentage of the CDF Inmate Population
CDF Population	2,164	1274	N/A
GED Unit	65	55	4.3%
Work Readiness Unit	20	25	1.5%
Mental Health: Acute Unit	74	50	3.9%
Mental Health: Step-Down Unit	(Information not collected)	20	1.6%
General Population Unit: NE-2	160	130	10%
Juvenile Unit - CTF	(Information not collected)	23	N/A

Source: CIC Inspection, September 30, 2016

II. General Population Housing Unit

A. General Information

On September 30, 2016 the CIC toured a unit which houses inmates who are in the general population. This unit houses medium and maximum custody inmates, and has a total of eighty cells that can each hold two inmates. The total capacity of the general population unit is 180 inmates. At the time of the CIC visit, 130 inmates were housed on the unit. Correctional officers on unit explained to the CIC that daily inspections require inmates to remove and fold their sheets and blankets. Inmates are assigned one of two shifts in which they can leave their cells for about six hours each day. The unit is split into two wings. Inmates in the left wing are typically out of their cells from 9:00am to 3:00pm, and inmates on the right wing are typically out of their cells from 4:45pm to 10:00pm. Inmates on the unit are allowed to use the law library once every week.

The majority of the inmates' time is spent on the unit, as is the same throughout all units in the jail. The units have phones, service for which is contracted out to a private company. Placing a call costs \$0.75 plus an additional charge for each minute. Each unit has a touch screen monitor – operated by Keefe Commissary Network¹¹ – where inmates are able to purchase commissary items. On the unit, inmates may order up to \$75 worth of commissary items per week.

Typically, the only times that inmates leave their units are for attorney visits, parole hearings, infirmary appointments, or hospitalization. Inmates also leave the complex when they need to appear in court. Within the jail, processing for court typically begins at 4:00am.

B. Issues Observed by the CIC and Highlighted by Inmates

While on the inspection, the CIC spoke with inmates living on the unit who identified a number of issues. The CIC also recorded observations about the physical state of the unit. These inmate reports and CIC observations are listed below.

Medical Needs

- One cell housed an inmate with perceived mental health symptoms. Then inmate's cellmate approached the CIC to tell CIC staff that the inmate had not received any treatment and had not showered. It was reported that the cell had a horrible smell.
- One inmate reported that it took three days for him to see a mental health specialist. However, prior to seeing the specialist, the inmate reported being given his behavioral medication.
- Inmates expressed feeling as though corrections officers ignore medical emergencies. One inmate reported that he had an asthma attack, and it took thirty minutes for officers to respond.
- An inmate reported that it "takes a long time" to be seen by a dentist.

¹¹ Keefe Commissary Network is a "provider of automated commissary management services and technologies to city, county and state correctional facilities nationwide" and works with facilities to "design and implement a customized program for running commissary." KEEFE COMMISSARY NETWORK, <https://www.keefegroup.com/companies/keefe-commissary-network-112>.

Housing Unit Conditions

- While on the unit, the CIC observed a sign dated August 31, 2016 posted outside of five cells, instructing officers that due to high temperatures, they were not to assign inmates to those five cells until further notice from CDF management. However, one of those cells had an occupant.
- One inmate reported that he had been in the jail for one month, and so far, his bed sheets had not been changed at all. He reported to be having problems with the air, smell, and breathing.
- The CIC observed that many of the cells on the unit were leaking.
- An inmate approached the CIC and explained that he believes the water on the unit is causing his skin to break out.
- Multiple inmates reported that several common area phones were not working.

Out-of-Cell Time

- One inmate reported that recreation time is often cut short by thirty minutes.

Visitation

- One inmate commented that visits are supposed to be thirty minutes, but are often only fifteen.

Food

- Inmates reported that the food at CDF is generally not nutritious. Specifically, it was said that that meals consist of mainly carbs, no fruit, and minimal protein. The only protein came from deli meat in sandwiches that have a bad smell.
- Some of the inmates were convinced the facility is “recycling” food from other meals.

III. Education & Programming Units

A. GED Unit and Mobile Testing Unit

i. **Background**

The GED Unit is a residential unit that offers a General Education Development (GED) preparation program to qualifying inmates.¹² Course work covers English, mathematics, science, social studies, reading, writing, literature, and the arts.¹³ This education program is only available to inmates who do not have high school diplomas, and is targeted to inmates who are serving sentences between 90 and 120 days.¹⁴ The enrollment process includes an application and pre-enrollment assessment.¹⁵ Only inmates who obtain a certain score on the pre-enrollment assessment are eligible to participate.¹⁶ In addition, the unit reviews inmates' behavioral history as part of the enrollment process. Inmates in the program have class Monday-Friday, and once they reach a certain level of proficiency are able to sit for the GED test when it is administered in the Mobile Unit. The DOC reported that in FY2016, fifty-two inmates sat for the GED test and seven of those inmates passed the test.¹⁷

ii. **Current Class and Instruction**

When housed on the GED Unit, inmates are instructed by one teacher, at least one community volunteer, and several volunteer peer tutors. Incarcerated individuals who already have GEDs or high school diplomas supplement instruction of the program, by serving as peer tutors. At the time of the CIC visit, there was one instructor and four peer tutors. The GED unit housed fifty-five inmates on September 30, and has a total capacity of sixty-five inmates.

The class is split into groups based on learning levels. The unit uses the Comprehensive Adult Student Assessment System ("CASAS"), which is a competency-based assessment system designed to evaluate inmate's basic skills and performance in areas such as English, literacy, and math. This test is administered over the course of two days. It was unclear if this test is used as a diagnostic tool administered prior to placement in the appropriate learning level group, or if it is administered periodically to provide progress reports.

Peer instructors indicated that although they have Steck-Vaughn textbooks,¹⁸ the program is in need of student workbooks, SMART boards, dictionaries, and thesauruses – which had all been previously requested.

¹² See D.C. DEP'T OF CORR., *GED and Adult Basic Education Services at DOC*, <https://doc.dc.gov/page/ged-and-adult-basic-education-services-doc-support-services>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ This information was contained in a summary of program statistics that the DOC sent to the CIC, per the CIC document request.

¹⁸ Steck-Vaughn Fundamental Skills are textbooks geared toward adult basic education that assist adult learners with "review, remediation, and reinforcement of basic skills in reading, writing, or mathematics" as preparation to "tackle high-school equivalency exams and seek meaningful employment." HOUGHTON MIFFLIN HARCOURT, *Steck-Vaughn*

At the time of the onsite visit, the class was on a two-week break from instruction because the majority of the fifty-five students were in GED testing. It was reported to the CIC that over the last week of testing, three people had passed the exam. The previous testing period took place four months prior in May 2016.

One inmate informed the CIC that he attends GED classes every day from 9:30am to 2:15pm. He recently took the GED test but failed by two points. He was expecting to take the test again in December.

iii. Physical Space

The GED unit is located in a different unit from the GED testing unit, known as the “mobile unit.” Since November 2015, all GED testing has occurred online in the mobile unit. The mobile testing unit was previously a housing unit; however, it is no longer used to house inmates due to major water issues.

According to the GED instructor, the CDF does not allow computer equipment to remain assembled and therefore, the equipment must be assembled and disassembled prior to and following test administration. In contrast, at the CTF the CCA¹⁹ keeps computer equipment assembled which allows for a smoother and more efficient testing process. During the CIC visit, the testing room was experiencing network problems and inmates were waiting to take the GED exam.

The GED instructor also stated that the testing room is small, tight, and only allows eight men to be tested at once. A technician who was present stated that he would like to have a regular and larger space to conduct testing.

B. D.C. Jail Work Readiness Program

i. Background

The Work Readiness Program in CDF partners with the Department of Employment Services (DOES) and is intended to provide inmates with comprehensive career training and the skills necessary for successful reentry into the workforce. The program was designed to include classroom instruction and activities focused on life and employment skills development.²⁰ The Work Readiness Program is equivalent to DOES’s Project Empowerment, which a community job assistance program.²¹

Fundamental Skills, <http://www.hmhco.com/shop/education-curriculum/adult-education/steck-vaughn-fundamental-skills>.

¹⁹ The CCA ran the CTF at the time of the CIC 2016 CDF inspection.

²⁰ See D.C. DEP’T OF CORR., POLICY AND PROCEDURE: REENTRY PROGRAM AND SERVICES 4923.5D 16 (2015), available at <https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/PP%204923.5D%20-%20Reentry%20Program%20and%20Services%208-25-15%20wsig%20complete.pdf>.

²¹ Project Empowerment is a work readiness program designed to provide “unemployed District residents with opportunities to grow in education, training, and subsidized employment placements each year. Project Empowerment achieves its mission of moving participants into the workforce by partnering with government, non-profit, and private businesses across the DMV area to recruit, train, match, and coach candidates for successful employment.” DEP’T OF EMPLOYMENT SERVICES, *Project Empowerment Program*, <https://does.dc.gov/service/project-empowerment-program>.

Inmates who are screened into the Work Readiness Program are meant to practice communication, team building, conflict resolution, interviewing, resume preparation, computer skills, etc.²² Training inside of the jail is phase one of the Work Readiness Program.²³ If an inmate begins phase one of Work Readiness but is unable to complete it before he is released, he will to continue the Program in the community through Project Empowerment. The second phase of Work Readiness occurs post-release through DOES's Project Empowerment Program. In phase two, DOES job coaches enroll participants in subsidized work experience, which provides up to six months of work experience at a host site.²⁴ This period of subsidized work is intended to help participants gain "real world experience, build positive work habits, and establish a consistent employment record."²⁵ Throughout fiscal year 2016, the DOES Work Readiness Program offered enrollment to eighty-two inmates. Of those eighty-two inmates, fifty-six completed the program, fifteen declined to participate, three transferred to another program, and eight were removed from the program.²⁶

ii. Eligibility

D.C. inmates are eligible for Work Readiness when they are within six to ten weeks of release. Eligible participants include residents who are serving felony sentences. The first work readiness group took place in July 2015, and had twenty-one participants. Since that time, per quarter, there has been an average of fifteen participants in each group. The program has a total capacity of twenty-five participants. Enrollment is dependent on the inmate's release date and when the next work readiness group begins.

There are, however, limits on participation. The program is not currently available to inmates who are housed at CTF – which includes all female inmates. Although the Work Readiness Program is not available to women, it was reported to the CIC that a DOES instructor meets with female inmates at the CTF in order to coordinate appointments for women with a DOES representative, which will take place after an inmate is released.²⁷

iii. Current Class and Instruction

When the CIC visited in September 2016, there were twenty inmates participating in the Work Readiness Program. Two participants with whom the CIC came in contact recently completed the program and were waiting to be released the following week. At the time of the visit the Work Readiness group was staffed by one DOES employee and one DOC employee.

²² See D.C. DEP'T OF CORR., POLICY AND PROCEDURE: REENTRY PROGRAM AND SERVICES, *supra*, note 20.

²³ See D.C. DEP'T OF EMP'T SERVICES, *Division of State Initiatives: DC Jail Work Readiness Program*, <https://does.dc.gov/page/division-state-initiatives-partnerships>.

²⁴ *Id.*

²⁵ *Id.*

²⁶ This information was contained in a summary of program statistics that the DOC sent to the CIC, per the CIC document request.

²⁷ The work readiness instructor alluded to a possible explanation for the exclusion of female inmates from the Work Readiness Program, as being that female inmates typically serve shorter sentences than do male inmates, and Work Readiness, as it is run at the CDF, requires inmates to be within six to ten weeks of release.

The program space had twelve computers and inmates were provided with notebooks to help organize and document their job searches. The instructors noted that SMART Boards would be helpful in aiding class instruction.

Staff people in the program offer inmates assistance at each step in their application process, and there is also a face-to-face language translation line. Work Readiness staff persons assist with resume drafting and uploading to D.C. networks to initiate the job application process before an inmate's release; scheduling and conducting phone interviews in staff offices to ensure no outgoing calls reference the CDF; and enrolling inmates in online programs where they can apply for and receive certificates. The online course catalogue, provided through ALISON Learning,²⁸ offers hundreds of courses, and staff explained that residents are able to continue their coursework after release. It was reported to the CIC that some graduates of the Work Readiness Program are working for the government, some have continued their educations, and some have started their own businesses.

In addition to staff programming, the Work Readiness Program also partners with outside organizations that come to the jail to lead different programs. Some of these organizations include the following: Wells Fargo (leads biweekly financial literacy workshops); Jubilee Housing; Narcotics and Alcoholics Anonymous; Howard University's "Inside Out" program; Hope Foundation; Lorton Arts Program; and Freedom Circles.

The Work Readiness Program sends monthly reports to the DOC. These reports indicate frequently identified needs of inmates preparing to re-enter the community, such as housing (largest need), employment, and public benefits (food stamps, Medicaid).

²⁸ Alison is an online resource that offers over 1000 free online courses, with the goal of access to education and knowledge for all people. See ALISON, <https://alison.com>; ALISON, *Our Story*, <https://alison.com/about/our-story>.

IV. Mental Health Care

For each inmate incarcerated in a DOC facility, the DOC administers a medical and mental health evaluation.²⁹ Each inmate is screened for possible mental health issues, and if the possibility of one is suspected, the inmate is referred to a mental health clinician for a full evaluation.³⁰ The evaluation can lead to additional steps, some of which are the following: referral to a staff psychiatrist for further evaluation; referral for housing on the mental health unit based on acute care needs; group counseling; and psychotropic medications.³¹ The DOC documents the inmate's treatment in an Individualized Treatment Plan.³² In a program manual issued by the DOC, it is explained that "information about the availability of, and access to, health care services is communicated orally and in writing to inmates upon their arrival to the CDF in a form and language they understand."³³

A. Acute Mental Health Unit

The Acute Mental Health Unit (Acute Unit) has a capacity of seventy-four inmates; and, at the time of the September visit, there was a population of fifty inmates. D.C. inmates in the Acute Unit are housed in single cells, and it was reported to the CIC that they interact with mental health clinicians on a "regular basis." A DOC social worker and Unity Health Care staff member³⁴ are also available to inmates. Acute Unit staff members are offered several training opportunities by the National Institute of Corrections (NIC); the Substance Abuse and Mental Health Service Administration (SAMHSA); and the Department of Behavioral Health (DBH). Although individual therapy and medication management is offered on the Acute Unit, there is a lack of group programming due to insufficient space. It was reported to the CIC that in the last year, there were no suicides on the Acute Unit.

B. Mental Health Step-Down Unit

The Mental Health Step-Down Unit (MHSDU) opened on May 2, 2016, as a result of recommendations from the Suicide Prevention Task Force.³⁵ The MHSDU was created to serve as

²⁹ See D.C. DEP'T OF CORR., *Mental Health Services at DOC*, <https://doc.dc.gov/page/mental-health-services-doc>.

³⁰ See *id.*

³¹ See *id.*

³² See *id.*

³³ See D.C. DEP'T OF CORR., PROGRAM MANUAL: MEDICAL MANAGEMENT 6000.1H 26 (2013), available at <https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/PM%206000.1H%20Medical%20Management.pdf>.

³⁴ The DOC is legally responsible for providing medical, mental, and dental care for inmates in its custody. In 2006, the DOC entered into a partnership with Unity Health Care (Unity) in which Unity, a community health care provider, would be responsible for the primary, specialty, emergency, and hospital care of inmates at the CDF and the CTF. When formed, the goal of the partnership was to improve the continuity of care so that the services provided to inmates while detained in the CDF or CTF could be continued in the community post-release. See DC DEP'T OF CORR., *Department of Corrections Institutes Community-Oriented Healthcare for Inmates*, <https://doc.dc.gov/release/departments-corrections-institutes-community-oriented-healthcare-inmates>.

³⁵ The Suicide Prevention Task Force conducted a review of DOC facilities in order to facilitate recommendations for enhancing suicide prevention protocols, strategies, and practices. See D.C. DEP'T OF CORR., SUICIDE PREVENTION TASK FORCE REPORT: D.C. DEPARTMENT OF CORRECTIONS OFFICE OF HEALTH SERVICES ADMINISTRATION (October 14, 2013), available at https://doc.dc.gov/sites/default/files/dc/sites/doc/release_content/attachments/SPTF%20Final%20Report%20November%206%202013.pdf.

a therapeutic environment with more programs than the Acute Unit, less intensive care and treatment, and greater independence.³⁶ The goal is to prepare inmates to enter back into the general population of the jail and the larger, outside community.³⁷ For example, rather than being in single cells, as is the case in the Acute Unit, inmates in MHSDU are housed in double cells. The components of the program include individualized mental health care, medication management, treatment plans, group and individual counseling, less restrictive housing (as compared to the Acute Unit), a therapeutic community and activities, and discharge planning.³⁸ Individual therapy sessions are scheduled every other Friday, or as needed per inmate request.

Over nine to twelve weeks, inmates in the MHSDU progress through three program-levels. As inmates move from Level 1 (most restrictive) to Level 3 (least restrictive), they gain greater amounts of “unstructured time” as well as increased privileges. Inmates move up the levels of the program based on positive participation and other progress metrics. At the time of the CIC visit, there were twenty inmates in the MHSDU.

CHART 2. *Mental Health Step Down Unit: Program Levels*

Level	Time Frame	Privileges	Requirements (to be met before progressing to the next level)
Level 1	-10 hours of structured time -10 hours of unstructured time -Individual therapy sessions		-3 weeks positive participation
Level 2	-10 hours of structured time -15 hours of unstructured time	-Increase commissary to \$15	-3 weeks positive participation
Level 3	-10 hours of structured time -20 hours unstructured time	-Increase commissary to \$15 -Late-night privileges	-3 weeks positive participation

Source: CIC Inspection, September 30, 2016

C. Future for DOC Mental Health Care

During the onsite visit, staff reported that SAHMSA will begin to provide trauma-informed care training to corrections officers. The ACA currently conducts eight-hour trainings with staff, including crisis intervention training. The DOC was also in the process of creating an MOU with the Department of Behavioral Health (DBH) to offer trainings for DOC leaders who run mental health trainings for DOC staff.

Staff reported that some judges in the D.C. Superior Court have been successful in placing people directly into the Acute Unit. However, the head psychiatrist of the CDF expressed that he does not think that sort of direct placement is an adequate process and that clinical input is essential before an inmate is placed in the Acute Unit.

³⁶ See D.C. DEP'T OF CORR., POLICY AND PROCEDURE: STEP-DOWN UNIT 6000.3 2 (2016), available at <https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/PP%206000.3%20STEP-DOWN%20UNIT%2004-29-2016.pdf>.

³⁷ See *id.*

³⁸ See *id.* at 5.

V. Juvenile Unit (CTF)

A. General Information

During the September 30, 2016 visit, the CIC inspected the Juvenile Unit, which is physically in the CTF, but operated and staffed by the DOC.³⁹ The Juvenile Unit is in the CTF because the CTF building is able to provide space for sight and sound separation from the adult jail population, as required by the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP A)⁴⁰ and the Prison Rape Elimination Act (PREA).⁴¹ At the time of the visit there were twenty-three juvenile inmates ages sixteen to seventeen, who had been adjudicated as adults. Twenty-two of the inmates were black, one was Latino, and all were male. The most common offense was armed robbery.

The Juvenile Unit uses a ranking system that consists of tiers. Each tier is associated certain privileges, and inmates earn points in order to progress to the next tier. DOC staff explained that there are three tiers that juvenile inmates progress through: Bronze, Silver, and Gold. On the lower tiers (Bronze and Silver), both of which have a thirty-day time frame, DOC staff identified the only privilege as being contact visits on holidays. After thirty days on Bronze and thirty days on Silver, DOC staff explained that juveniles are able to progress to the Gold Tier. While on the Gold Tier, juveniles must remain violation and sanction free. There are increased privileges on the Gold Tier including contact visits once a month, use of microwaves, video games, and movies. During the CIC visit, ten out of the twenty-three juvenile inmates were on the Gold Tier.

B. Disciplinary Procedures

In the aftermath of President Obama's adoption of the Department of Justice's recommendations to abolish the use of solitary confinement for juveniles,⁴² in June 2016, the Juvenile Unit began a system of "Administrative Holding," which is disciplinary technique. When staff determines necessary, youth are placed in a solitary cell for three-hour increments. If more than three hours is deemed necessary, the juvenile will get a one to two hour break, and is then returned to the holding cell. Staff on the Juvenile Unit reported to the CIC that the holding program is not thought of as "punishment," but rather as, "holding them (juveniles) accountable." In addition, staff reported that there had not been a fight in over one month.

C. Programming

The Juvenile Unit offers inmates a number of programs, which are listed below:

- **Education**

³⁹ See *supra*, note 9, for information about the operation of CTF.

⁴⁰ See 42 U.S.C. 5633(a)(13)(A) and (B).

⁴¹ See 28 CFR § 115.14.

⁴² See THE WHITE HOUSE: PRESIDENT BARAK OBAMA, *Fact Sheet: Department of Justice Review of Solitary Confinement*, <https://obamawhitehouse.archives.gov/the-press-office/2016/01/25/fact-sheet-department-justice-review-solitary-confinement>; see also, U.S. DEPT OF JUSTICE, U.S. Department of Justice Report and Recommendations Concerning the Use of Restrictive Housing (January 2016), <https://www.justice.gov/archives/dag/file/815551/download>.

- The DOC, in order to be in compliance with federal and local law, is obligated to provide children under the age of eighteen the opportunity to pursue a high school diploma. Therefore, there is a school within the CTF that juveniles attend.
 - At the CTF, juvenile inmates have school from 8:45am-3:15pm. School teachers are employees of District of Columbia Public Schools (DCPS). If a juvenile inmate earns his or her high school diploma while incarcerated, the diploma will have the name of their school, rather than the jail.
- **Mental Health Service**
 - Unity Health Care staff⁴³ are available on the juvenile unit on Fridays. Time is allotted to inmates depending on the circumstances of their medical needs.
- **Life Skills**
 - The Hope Foundation Reentry Network Inc. runs a program for juveniles at the CTF on Wednesdays. The Hope Foundation provides community transitions services to returning citizens to promote successful re-integration and reduce recidivism through mentoring, addiction prevention services, workforce development, and job/employment training opportunities.⁴⁴
 - Free Minds book club runs a program for juveniles at the CTF on Tuesdays. A description of the Free Minds program is the following: “Free Minds uses books, creative writing, and peer support to awaken DC youth incarcerated as adults to their own potential. Through creative expression, job readiness training, and violence prevention outreach, these young poets achieve their education and career goals, and become powerful voices for change in the community.”⁴⁵
 - On Wednesdays, there is a substance abuse program offered.
- **Religious Services**
 - On Thursdays, Christian and Islamic religious services are provided on the Unit.

⁴³ See *supra*, note 34, for explanation of the DOC partnership with Unity Health Care.

⁴⁴ See THE HOPE FOUNDATION, HOPE REENTRY NETWORK DC, <http://www.hopereentrynetworkdc.org/home.aspx>.

⁴⁵ FREE MINDS, <http://freemindsbookclub.org/>.

VI. Inmate Grievance Procedure

The Inmate Grievance Procedure (IGP) refers to the administrative process for expression and resolution of inmate complaints and issues.⁴⁶ In other words, it is the process through which inmates can attempt to have DOC staff resolve issues that they are experiencing. The DOC Inmate Handbook explains that as a first step in the IGP process, inmates should send request slips or discuss the complaint with a staff member or supervisor.⁴⁷ If this informal conversation does not solve the problem, the inmate has fifteen days from the incident to file an IGP form. The IGP forms are available from housing unit staff (or inmates can use plain paper). After the inmate has filled out the IGP form, they place it in a locked box marked “Grievances” that is on their unit. A supervisor investigates the complaint and makes a decision within three weeks. The decision of the supervisor is reviewed by the warden, who then makes a final decision. The warden’s decision is communicated to the inmate in writing. The inmate then has five days to appeal the decision to the DOC Deputy Director who has twenty-one days to respond to the inmate’s appeal. If the inmate disagrees with this decision, he or she has five days to appeal, for a second time, to the Director of the DOC, who has twenty-one days to respond.

Between October 1, 2015 and September 30, 2016, the DOC formally logged 370 complaints in its monthly grievance logs. Of the complaints entered, both formal (173) and informal (197), eight (4.6%) were granted a remedy. For the majority of informal grievances, no outcome was listed (77%). It is unclear if in the informal process, resolution of these complaints was never made, if the outcome was simply not documented, or if there is some other reason that there is no documentation of outcomes. The majority of formal grievances were denied (91%). It is unclear why so many inmate grievances were denied, and the CIC was not informed of the specific reasons for the denials.

The majority of informal grievances concerned issues revolving around improper staff action, access to health care, food service, and mail. About half of all formal grievances were for either safety and sanitation issues or improper staff action. When the CIC spoke to inmates, many felt that their grievances were not being formally logged.

The chart below provides details on complaint types and outcomes.

⁴⁶ See D.C. DEPT OF CORR., POLICY AND PROCEDURE: INMATE GRIEVANCE PROCEDURE (IGP) 4030.1J 2 (2016), available at <https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/PP%204030.1J%20Inmate%20Grievance%20Procedures%2011-15-2016.pdf>. Note that this Program Statement became effective on November 15, 2016, after the CIC visit. However, the information from the Program Statement that is used in this report was not part of the major changes to the policy. The major changes in the Program Statement include additional grievance forms for inmates, and changes to staff responsibility in terms of grievance resolution: inmates must first go through the informal grievance process where case managers on the unit are responsible for answering and resolving complaints. If there is no resolution, inmates can then send the original grievance form to the Grievance Coordinator. See *id.* at 11-14.

⁴⁷ DOC Inmate Handbook is on file with the CIC.

CHART 3: *Informal Resolution Complaint (IRC) Monthly Complaint Log*
(October 1, 2015 – September 30, 2016)

Grievance Type	Number	Outcome: Remedy Granted	Outcome: Remedy Denied	Outcome: Other Disposition	Outcome: Closed b/c Inmate was Released	No Outcome Listed
Improper Staff Action	36	1	19	1	1	14
Access to Health Care	35		2			33
Food Service	28					28
Mail	21		5			16
Safety and Sanitation	15	1	6			8
Case Management	14		5			9
Property	13					13
Discrimination	8					8
Programs	6					6
Inmate Finance	5					5
Records	4					4
Personal Hygiene	3					3
Quality of Health Care	3			2		1
Canteen	2	1	1			
Challenge Discipline Procedures	1					1
Discipline	1					1
Other	1					1
Inappropriate Use of Force	1					1
TOTAL	197	3	38	3	1	152

Source: Informal Resolution Complaint (IRC) Monthly Complaint Log (on file with the CIC)

*Note that of the 197 complaints twenty-three were overdue, meaning that more than fifteen days were taken to respond to the complaints.

CHART 4. *Inmate Grievance Procedures (IGPs): Monthly Grievance Log of Formal Grievances*
(October 1, 2015 – September 30, 2016)

Grievance Type	Number	Outcome: Remedy Granted	Outcome: Remedy Denied	Outcome: Other Disposition	Outcome: Closed b/c Inmate was Released	No Outcome Listed
Safety and Sanitation	59	3	55			1
Improper Staff Action	32		31	1		
Access to Health Care	10		10			
Mail	10		10			
Food Service	8		5	1	2	
Programs	8		8			
Quality of Health Care	8		8			
Case Management	5		4			1
Challenge Discipline Procedures	4		4			
Discipline	4		4			
Records	4		3			1
Access to Personal Hygiene	3		3			
Discrimination	3		2	1		
Housing	3	1	2			
Inmate finance	3		2			1
Other	2		2			
Personal Hygiene	2		2			
Property	2		2			
Access to Courts	1		1			
Canteen	1	1				
Not Specified	1					1
TOTAL	173	5	158	3	2	5

Source: DOC Inmate Grievance Procedures (IGPs): Monthly Grievance Log (on file with the CIC)

*Note that of the 173 complaints twenty-one were overdue, meaning that more than fifteen days were taken to respond to the complaints.

VII. Discipline⁴⁸

In fiscal year 2016, a total of 1,726 disciplinary infractions were documented. Of those 1,726 infractions, **1,610 resulted in guilty outcomes**, thirty-eight resulted in not-guilty outcomes, seventy were referred to the housing board or resulted in a non-punitive sanction, and eight were dismissed.

CHART 5: *Disciplinary Infractions and Outcomes*

Outcomes	Number of Infractions
Total Disciplinary Infractions	1,726
Guilty Outcomes	1,610
Inmate Referred to the Housing Board/Non-Punitive Sanctions	70
Not Guilty Outcomes	38
Dismissed	8

Source: DOC Summary of Disciplinary Infractions (on file with the CIC)

The majority of both infractions and guilty outcomes were for “fighting,” “indecent exposure,” “lack of cooperation,” “threatening conduct,” and “disrespect.”

CHART 6: *Majority of Infraction Types and Outcomes*

Infraction Type	Number of Infractions	Number of Guilty Outcomes
Fighting	312	307
Indecent Exposure	297	289
Lack of Cooperation	262	238
Threatening Conduct	232	217
Disrespect	123	110

Source: DOC Summary of Disciplinary Infractions (on file with the CIC)

Sanctions/loss of privilege (LOP) for guilty outcomes range from five to sixty days. Sentences between five and sixty days progress in increments of five days. The majority of inmates found guilty were given a thirty-day sentence, followed by fifteen days, then twenty days, and sixty days.

⁴⁸ The information contained in this section of the report is from a summary of program statistics that the DOC sent to the CIC, per the CIC document request.

CHART 7: Majority of Sanction Types and Frequency of Use

Sanction Length/LOP	Number of Sanctions/LOP
30 Days	619
15 Days	551
20 Days	184
60 Days	150

Source: DOC Summary of Disciplinary Infractions (on file with the CIC)

There were nine cases in which inmates were given sanctions/loss of privileges despite the fact that the inmates were found not guilty.

All but one of the dismissed incidents and not-guilty outcomes were for “possession of major contraband” (7 dismissed and 6 not-guilty outcomes). The majority of cases referred to the housing board or that resulted in a non-punitive sanction were for “lack of cooperation” (21 referrals/non-punitive sanctions).

VIII. Inmate Safety

A. Temperatures at the CDF

The high summer temperatures and lack of air conditioning and ventilation at the CDF have been an ongoing issue. In July 2016, the death of an elderly inmate in CDF, although attributed to natural causes, sparked increased concern about high temperatures at the CDF among the DC community, the DOC, the BOP, courts, the U.S. Marshal Service (USMS), advocates, and the media.

The deceased individual was seventy years old and died on July 14, 2016, on NE-3 – a unit designated for inmates ages fifty and older. On July 14, the temperature on NE-3 was documented by the DOC as being 84.75 degrees. On July 20, 2016, the DOC moved all eighty-two inmates from NE-3 to SE-1, in an effort to transfer inmates to cooler units,⁴⁹ and NE-3 was closed.⁵⁰

In the aftermath of the death, throughout the summer of 2016, the DOC provided updates on its efforts to reduce temperatures at the CDF. The DOC worked to improve the Heating, Ventilation, and Air Conditioning (HVAC) system by replacing and repairing parts of the system. The repair and maintenance of the HVAC system was part of the long-term efforts to address CDF heat issues. More immediate steps reportedly taken by the DOC included placing fans in the common areas of units, giving inmates extra ice/beverages, allowing inmates to wear shorts and t-shirts on their units, increasing out-of-cell time, consistently monitoring temperatures, etc.⁵¹ Additional measures taken included moving inmates from hotter to cooler units. Between July 19th and July 29, a total of 244 CDF inmates were moved to cooler units, some being transferred to different units in the CDF, some to the CTF (at that time still operated by the CCA), and some BOP inmates to Northern Neck Regional Jail.⁵² Between August 3 and August 27, an additional seven CDF inmates were transferred to cooler units in CDF or to the CTF.⁵³

The DOC also provided information about average daily temperatures on the units between July 2016 and August 2016. The temperatures reported by the jail were the unit temperatures, not distinctly cell temperatures. Inmates in general population are typically out of cell for five hours every day and inmates on status units for one to two hours. The rest of the days, inmates remain in their cells with the doors closed and locked.

The DOC reported that the average temperature in the housing units in the CDF between July 1, 2016 and July 31, 2016⁵⁴ was 80.45 degrees. The warmest day was July 15, 2016 at 82.75 degrees, reaching 86.21 degrees in NE-2. The coolest day was July 31, 2016 at 77.49 degrees, reaching 73.16 degrees in N-1. NW-3 was consistently the hottest housing unit with an average temperature of 82.65 degrees in July. For all of July, the temperature in NW-3 was greater than eighty degrees. This was followed by NW-2, with all but one day over eighty degrees and an average temperature of 82.61 degrees.

⁴⁹ See GOV'T OF THE D.C. DEP'T OF CORR., July 26, 2016 (on file with the CIC).

⁵⁰ *Id.*

⁵¹ See GOV'T OF THE D.C. DEP'T OF CORR., *A Message from Director Faust*, July 18, 2016 (on file with the CIC).

⁵² See GOV'T OF THE D.C. DEP'T OF CORR., July 26, 2016 (on file with the CIC).

⁵³ See GOV'T OF THE D.C. DEP'T OF CORR., August 30, 2016 (on file with the CIC).

⁵⁴ CDF TEMPERATURE REPORT JULY 1-JULY 31 (on file with the CIC).

The DOC reported that the average temperature in the housing units in the CDF between August 1, 2016 and August 31, 2016⁵⁵ was 77.45 degrees. The warmest day was August 27, 2016 at 79.16 degrees, reaching 82.23 degrees in SW-3. The coolest day was August 7, 2016 at 76.1 degrees, reaching 74 degrees in SW-1. SW-3 was consistently the hottest housing unit with twenty days in August when then the temperature in the unit was more than eighty degrees (average temperature was 80.73 degrees). This was followed by NW-3, with nineteen days in August where the unit temperature was greater than eighty degrees (average temperature was 79.78 degrees).

Through mail correspondence, the CIC received reports from CDF inmates concerned with the high temperatures at the jail and the resulting health issues. One inmate reported that the temperature of his cell on NE-2 was taken in August 2016 and was 110 degrees. The inmate reported that DOC staff announced that if cell temperatures were over eighty-five to ninety degrees, inmates would be moved to a different cell. However, the inmate reported that no actions were taken to move his cell, even after he filed at least six grievances, had displayed signs of heat stroke, and had documented health issues for which he was receiving medication.

B. Deaths

In FY 2016, the DOC reported four inmate deaths, all of whom were male individuals. One was due to an accidental overdose, and the remaining three individuals (one referenced in the section above) were reported to have died from natural causes or pre-existing conditions.⁵⁶

C. Suicide Attempts

The CIC requested the number and type of inmate suicide attempts for FY 2016; however, the CIC did not receive that information from the DOC.

D. Use of Force

The CIC requested information regarding incidents of use of force for FY 2016, including type, cause, duration, number of staff involved, number of inmates involved, and reported injuries. The DOC reported that they do not currently collect this information in an electronic format, and summarizing the requested information would require a manual inspection of incident reports. The DOC should document deaths, suicide attempts, and use of force incidents in an electronic format that can be easily tracked and analyzed.

⁵⁵ CDF TEMPERATURE REPORT AUGUST 1-AUGUST 31 (on file with the CIC).

⁵⁶ This information was contained in a summary of program statistics that the DOC sent to the CIC, per the CIC document request.

Appendix A. Methodology

In fiscal year 2016, the CIC conducted two onsite inspections at CDF on November 2, 2015 and September 30, 2016.

On September 30, 2016, the CIC inspected the following units at CDF: one general population housing unit; the Work Readiness Program; the GED Unit and Mobile Testing Unit; the Acute Mental Health Unit; and the Mental Health Step Down Unit. During the 2016 visit, the CIC toured the facility with the DOC Government Community Liaison and other members of the executive staff. The CIC 2016 visit also included an inspection of the Juvenile Unit in the adjacent Correctional Treatment Facility (CTF). Both inspections included a facility tour, discussions with staff, and informal conversations with inmates.

In addition to informal conversations with inmates during the site tour, the CIC communicated with inmates housed at CDF through legal visits, offering them an opportunity for a confidential interview. In fiscal year 2016, the CIC spoke confidentially with three inmates in the DOC. The DOC did not provide the inmate roster containing names and DCDC numbers. Without a list that identified inmates, the CIC was limited to requesting visits that CIC staff came into contact with while on the tour of the CDF.

Before and after the site visit, the CIC sent a document request to DOC pursuant to D.C. Code § 24-101.01(f)(1) (2011) to gain additional information for its report on the DOC. In August 2016, the CIC requested information, and renewed its request after a meeting with DOC leadership in January 2017. The DOC sent some of the requested documentation to the CIC on April 6, 2017. See the chart below for the information that was requested by the CIC, and the information that the DOC provided.

CIC Document Request and DOC Provided Information

Documents Requested by the CIC	Information Sent by DOC
Inmate Roster as of September 30, 2016: <ul style="list-style-type: none">-Inmates Full Name-DCDC Number-Booking Date (if applicable)-Projected Release Date (if calculated)-Demographics (Gender, Race, Age or DOB)-Building (CDF, CTF, Hope Village, Fairview, Other) and Unit Location (if applicable)-Security Level-Status (Pretrial, Sentenced Misdemeanant, Awaiting Transfer, Short-Term Sentenced Felon; USMS Inmate, Juvenile, Other)	Inmate Roster as of September 30, 2016 <ul style="list-style-type: none">-Anonymous Roster – no names/DCDC-Booking Date- Demographics (Gender, Race, Age)-Legal Status-Building Location-Security Level-Federal Custody Status (Designation to DOC/BOP; Parole Revoked; Short Term Sentenced Felons; USMS)

Staffing Information as of September 30, 2016: -Number of all DOC and contract staff positions at the facility -Number and title of current vacancies at the facility -Staff-to-inmate ratio	Staffing Information as of September 30, 2016: -Number of DOC and contract staff positions at the facility -Number and title of current vacancies at the facility -Staff to inmate ratio
Disciplinary Infractions for FY2016: -Breakdown of the type violation -Determination -Disciplinary action (if any)	Disciplinary Infractions for FY2016: -Breakdown of the type violation -Determination -Disciplinary action (if any)
Inmate Grievance Procedure Remedies and Responses for FY2016: -Breakdown of the type and subject of the filings -Determinations -Corrective action (if any)	Inmate Grievance Procedure Remedies and Responses for FY2016: -Breakdown of the type and subject of the filings -Determinations -Corrective action (if any)
Programs Profile Reports for FY2016: Information on programs and special programming units, with the following: -Number of inmates in each program -Number of inmates in each programming unit -Number of successful completions -Number of suspensions or expulsions from each program.	Programs Profile Reports for FY2016: -GED (number of participants, number of inmates who passed) -Re-Entry Program (number of participants, number expelled, number transferred, number released, number who completed) -RSAT (number of participants, number who completed) -DOES Work Readiness (number of participants, number who declined to participate, number who transferred, number who were removed, number who completed)
Restrictive Housing as of September 30, 2016: -Number of inmates held in disciplinary segregation -Number inmates held in administrative segregation -Number of inmates held in protective custody (as distinct from administrative segregation). For all of FY2016: -Average length of time per inmate held in disciplinary segregation -Average length of time per inmate held in administrative segregation	Restrictive Housing as of September 30, 2016: -Frequency of assignments for inmates held in administrative segregation, disciplinary segregation, and protective custody -the average length of stay in days

-Date when DOC discontinued use of restrictive housing for Title XVI Juveniles	
Inmate Deaths for FY2016: -Number of inmate deaths -Cause of death	Inmate Deaths for FY2016: -Number of inmate deaths -Documented causes
Suicide Attempts for FY2016: -Number of inmate suicide attempts -Method of attempt	
Use of Force for FY2016: -Incidents of use of force -Type -Cause -Duration -Number of staff involved -Number of inmates involve -Reported injuries (if any)	

The CIC also requested that the DOC and CIC enter into Memorandum of Understanding (MOU) to establish procedures for and facilitate regular inspections of DOC facilities, with quarterly meetings with the DOC, and access to DOC data to further inspection and monitoring. The DOC has not agreed to enter into such an MOU. Therefore, the CIC is limited to reporting information that is collected during intermittent inspections and limited information received from DOC on an informal, inconsistent basis.